

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

-against-

APS CONTRACTORS INC.,

Defendant.
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Docket No.: 20-cv-10703-AKH

AMENDED DEFAULT JUDGMENT

AMENDED DEFAULT JUDGMENT

On the below date, the Court considered the Motion for Default of plaintiff, American Empire Surplus Lines Insurance Company (“American Empire”), against defendant, APS Contractors Inc. (“APS”). The Court Clerk issued a Certificate of Default on February 1, 2021. After considering the Court’s file, proof of service, and the grounds for judgment, as well as any evidence introduced at hearing, the Court GRANTS the Motion for Default Judgment.

Accordingly, it is

ORDERED and ADJUDGED that American Empire has judgment as follows:

- in the amount of \$2,038,213;
- plus interest at 9%, from December 4, 2020 to October 6, 2021, as calculated by the Clerk, for a sum of \$153,787.36;
- plus attorneys’ fees as proven by later submission;
- in the event that APS fails to pay this amount and until it does, that this Court declare that American Empire has no duty to defend and/or indemnify APS, or any other person or entity seeking coverage under American Empire Commercial General Liability policy No. 18CG0219678 and Excess Liability policy No. 18CX0219679, for the period March 29, 2018 to March 29, 2019,

relative to any occurrence, offense, claim or suit which has been or may be reported to American Empire.

Dated: New York, New York

December 14, 2021

By: 

United States District Judge